



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5453 (Substitute H-3 as passed by the House)
Sponsor: Representative Robert L. Kosowski
House Committee: Transportation and Infrastructure
Senate Committee: Infrastructure Modernization

Date Completed: 5-27-14

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Require a person who violated vehicle height or length restrictions to pay a civil fine of not more than \$500.**
- **Modify the civil fines ordered for exceeding the permitted per-axle weight limit under a special permit.**
- **Increase the schedule of civil fines for overweight vehicles.**
- **Require that 50% of the civil fines collected for height and weight violations be allocated for transportation purposes.**

Vehicle Weight Limits & Fines

Section 722 of the Code prescribes axle and wheel load limits for vehicles and the method, time, and place for restricting axle load limits on certain roads. Under Section 724, an owner or lessee of a vehicle, or another person who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of the vehicle violates Section 722 is responsible for a civil violation and must pay a civil fine. The current schedule of civil fines and the proposed schedule under the bill are shown in Table 1.

Table 1

Excess Load Over	But Not Over	For Each Pound in Excess	
		Current Law	HB 5453 (H-3)
1,000	2,000	\$0.03	\$0.06
2,000	3,000	\$0.06	\$0.12
3,000	4,000	\$0.09	\$0.18
4,000	5,000	\$0.12	\$0.24
5,000	10,000	\$0.15	\$0.30
10,000	—	\$0.20	\$0.40

If a court determines that a motor vehicle would be lawful by a proper distribution of the load on all of the vehicle's axles or the combination of vehicles, but one or more of the axles exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court can impose a misload fine of \$200 per axle for up to three axles. The bill would require a court to impose this fine.

If a court determines that a motor vehicle would meet the loading conditions specified in a special permit issued under Section 725 by a proper distribution of the load on all of the axles of the vehicle, but one or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a \$200 fine per axle. Under the bill, if the one or more of the axles exceeded the permitted axle weight by over 1,000 pounds, the court would be required to impose a fine according to the schedule shown in Table 1 for the number of pounds in excess of the permitted axle weight.

If one or more the axles exceeded the permitted axle weight by at least 4,000 pounds, but no more than 8,000 pounds, a court would be required to impose a misload fine of \$500 per axle. If the axle weight exceeded the permitted axle weight by more than 8,000 pounds, then the court would be required to use the schedule shown in Table 1 to determine the fine.

In any of these cases, not more than three axles could be used to calculate the amount of the fine.

(Section 725 allows the Michigan Department of Transportation, a county road commission, or a local authority having jurisdiction over a highway to issue a written special permit authorizing an applicant to operate a vehicle or combination of vehicles that is either of the following: a) of a size, weight, or load exceeding the maximum specified by Chapter 6 of the Michigan Vehicle Code, or b) otherwise not in conformity with Chapter 6.)

Vehicle Height and Length Limits

Section 719 prescribes the standards for the height and length of various vehicles operating in this State. A violation of this section is a civil violation. The bill would require a person who violated this section to pay a civil fine of not more than \$500. The bill also would indicate this change in Section 907, which prescribes civil fines for Code violations.

Allocation of Civil Fines

Currently, a civil fine ordered under Section 907 for a violation of the Michigan Vehicle Code or other statute must be exclusively applied to the support of public libraries and county law libraries in the same manner as penal fines assessed and collected for violations of penal law. The bill would require 50% of a civil fine ordered under Section 719(7) (the civil fine ordered for violating vehicle height and length limits) or Section 724(3) (the civil fine ordered for violating vehicle weight limits) to be distributed to the State Trunk Line Fund, county road commissions, and cities and villages of this State, in the same percentages described in Section 10(1)(j) of the Michigan Transportation Fund law, for the purposes specified in the law.

(Section 10(1)(j) requires the balance of the Michigan Transportation Fund, after deduction of other appropriated amounts to be appropriated as follows: a) 39.1% to the State Trunk Line Fund, b) 39.1% to the county road commissions, and c) 21.8% to the cities and villages.)

MCL 257.719

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an indeterminate fiscal impact at the State and local levels.

The bill would provide a maximum civil fine of \$500 for civil infractions that resulted from violating vehicle length and height requirements. It is unknown how many fines are currently issued that exceed \$500. To the extent that fines have historically exceeded \$500,

the State and local governments would see a corresponding decrease in revenue. According to the State Court Administrative Office, the recommended fine for a first-time offender is \$35.

The bill likely would increase revenue by doubling overweight penalties at the State and local levels. However, it is unclear what effects an increase in penalties would have on potential violators; doubling these fees could deter future violations. Notably, these penalties apply to State requirements as well as similar local ordinances regarding overweight vehicles. There are limited data available regarding overweight fines across State and local levels of government, so the extent of any resulting increase in revenue is indeterminate.

These penalties currently are distributed to the local unit of government where the citation was issued (at a 70% share) and earmarked for library purposes (at a 30% share). The bill would redirect 50% of the revenue from these fees through Public Act 51 to the State Trunkline Fund, county road commissions, and cities and villages. Since the number of potential violations is unknown, it is unclear whether the amount of revenue directed to the local unit of government and to library purposes would increase or decrease. This is due to the combination of increased penalties, which could as much as double revenue derived from these violations, and the potential for deterrence, which could result in decreased revenue derived from these violations. With 50% of these penalties redirected through Public Act 51, unless the number of violations doubled, local units of government and libraries would see a reduction in revenue that corresponded to the decrease in violations.

Fiscal Analyst: Glenn Steffens